

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-N05-2014-0072-DNA

CASEFILE/PROJECT NUMBER: Amend COC74740 (Rio Blanco County)
Amend COC50072 (White River Electric Association)

PROJECT NAME: Wildlife Fence at Stock Pass 7 and relocation of WREA electric power line

LEGAL DESCRIPTION: Sixth Principal Meridian
T. 2 S., R. 97 W.,
Section 25, Lot 13. (RBC Wildlife fence)
T. 2 S., R. 96 W.,
Section 31, lot 1.
T. 2 S., R. 97 W.,
Section 25, lot 13.

APPLICANT: Rio Blanco County (RBC) and White River Electric Association (WREA)

BACKGROUND: Stock Pass 7 right-of-way (ROW) was granted on January 18, 2013. In the summer of 2013, Stock Pass 7 was converted from a single function stock pass crossing (10x10 box culvert) to a dual purpose stock and wildlife crossing (10x20 double wide box culvert). The stock pass wildlife structure is on private land, however, the tie in work is still within the ROW for Stock Pass 7 that was granted in January 2013. RBC secured funding from Colorado Department of Transportation (CDOT) to construct wildlife fencing to facilitate movement of wildlife through the structure instead of crossing County Road (CR) 5. On the east end of the project, BLM has already granted the needed ROW for the fence.

DESCRIPTION OF PROPOSED ACTION: RBC requests to amend ROW COC74740 (CR5) for installation of 430 feet of wildlife fencing. On the west end of the project, Colorado Department of Parks and Wildlife (CDPD) requested the additional wildlife fence be added to the project to facilitate game movement. Originally, this fence was located within the right-of-way because the fence was jogged back to stay within the ROW. The plant surveys and wildlife fence were discussed on March 5, 2014. During this meeting, the BLM gave direction to remove the jog and keep the fence in the same alignment as the rest of the wildlife fence. ROW COC74740 will be amended for 430 ft. of fence with an additional width of 25 ft. and contain .25 acres (see Map 1). RBC would like to put this portion of the project out to bid in July 2014 with construction occurring in the fall after the culvert work is complete.

WREA Power Line: In order to accommodate Stock Pass 7, RBC is requesting that WREA relocate approximately 5,140 ft (on private and BLM lands) of the existing three-phase, 25-kV overhead power line, which is adjacent to CR 5. Approximately 1,170 ft of the existing power line on BLM land in T2S, R96W, section 31 and T2S, R97W, section 25 would be relocated (see Map 2). On the west end of the project, WREA would begin the reroute at the existing pole and swing the power line in a southerly direction. At a mid-point of the new alignment, WREA would place an angle in the line (next to the Redd ranch drive) and direct the power line back to the existing alignment. Most of the new alignment would remain within the existing ROW (25 ft width) except for two portions of the realignment. The relocated power line would be approximately 8 ft south of the existing ROW on the west end of the project (see Map 3). The relocated power line would be approximately 18 to 23 ft south of the existing ROW on the east end of the project (see Map 4). One new pole would be placed on BLM on the east side of the Redd Ranch, and three new poles would be placed on BLM on the west end of the reroute. WREA would provide raptor protection on the new construction. The power line ROW COC50072 would be amended to show the new route, however the width of the ROW would remain 25 ft.

Decision to be Made: The BLM will decide whether or not to approve the wildlife fence and relocation of the power line, and if so, under what terms and conditions.

PLAN CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: [DOI-BLM-CO-110-2011-0032-EA](#)

Date Approved: 7/6/2012

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The Proposed Action is similar in location and nature to what has been previously analyzed. The Proposed Action is to construct a wildlife fence and relocate power lines. The existing NEPA document (DOI-BLM-CO-110-2011-0032-EA) analyzed a boundary fence the entire length of the right-of-way as well as existing power lines. This wildlife fence is an enhancement to the boundary fence and the relocation of the power line is minimal in area for the altered location.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Two alternatives (Proposed Action and No Action Alternative), covering a reasonable range of alternatives, were analyzed in DOI-BLM-CO-110-2011-0032-EA. No reasons were identified to analyze additional alternatives, and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Review by BLM WRFO specialists in this document (DOI-BLM-CO-NO5-2014-0072-DNA) did not indicate recent endangered species listings or updated lists of BLM-sensitive species that would be affected by the Proposed Action. Plant surveys revealed marginal habitat for Dudley Bluffs twinpod and Dudley Bluffs bladderpod is present within the survey area.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Review by BLM WRFO specialists in this document (DOI-BLM-CO-NO5-2014-0072-DNA) did not indicate there would be any direct, indirect, and cumulative effects from the Proposed Action that were not adequately addressed in DOI-BLM-CO-110-2011-0032-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on 5/6/2014. External scoping was conducted by posting this project on the WRFO's on-line NEPA register on 5/28/2014. As of 5/30/2014, no comments or inquiries have been received.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 5/6/2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	5/22/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/20/2014
Justina Thorsen	Seasonal Ecologist	Special Status Plant Species	5/15/2014

REMARKS:

Cultural Resources: The area of the proposed power line relocation and stock pass and fence is covered by all or portions of a number of Class III (100 percent pedestrian) inventories (Bott 2004 compliance dated 10/18/2004, Conner and Davenport 2008 compliance dated 7/23/2008, 2012 compliance dated 9/14/2012, Conner et al 2010 compliance dated 2/25/2010, Hauck 2001 compliance dated 12/17/2001). The proposed work will not result in any adverse impacts to any currently identified cultural resources in the project area.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resources: The proposed power line relocation will occur in an area generally mapped as Quaternary Alluvium (Tweto 1979) which the BLM has categorized as a Potential Fossil Yield Classification 2 formation meaning it is not generally expected to produce scientifically noteworthy fossil resources.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are no wildlife-related issues or concerns associated with the Proposed Action.

Threatened and Endangered Plant Species: Surveys performed by WestWater Engineering (WWE 2014) indicated that no special status plant species (SSPS) were observed within the plant

survey area for Stock Pass 7. Marginally suitable habitat for two threatened species, Dudley Bluffs twinpod and Dudley Bluffs bladderpod, is present within the survey area. The marginal habitat observed during surveys was a thin outcrop of the Black Sulphur Tongue of the Green River Formation. Plants have not been found on this tongue and it is considered marginal habitat by the WRFO (BLM 2014). The proposed edge of disturbance from the wildlife fence for the stock pass would be located approximately 7 meters from the marginal habitat. WestWater biologists mapped an estimated 10.5 acres of marginal habitat within 600 meters of Stock Pass 7. No BLM sensitive species were observed during the plant survey. Neither Stock Pass 7 nor White River Electric Association's power line would affect SSPS or its habitat. There are no special status plant species issues or concerns associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

- 1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Bott, Tracy

- 2004 Exxon-Mobil Corporation: Class III Cultural Resource Inventory for the Proposed Independence Units T52X-29G and T51X-11G: Wells, access, and pipelines, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (04-54-37: OAH # RB.LM.NR1670)

Conner, Carl E.

- 1990 Cultural Resources Inventory Report on BLM Portions of a proposed Powerline Along the Piceance Creek Road in Rio Blanco County, Colorado for White River Electric Association. Grand River Institute, Grand Junction, Colorado. (90-11-16: OAH # RB.LM.NR491)

Conner, Carl E., and Barbara Davenport

- 2008 Class II Cultural Resource Inventory for the Willow Creek pipeline Project in Rio Blanco County, Colorado, for Williams Production RMT. Grand River Institute, Grand Junction, Colorado. (08-11-09: OAH; # RB.LM.NR1053)
- 2012 Class III Cultural Resource Inventory Report for the Additional Unsurveyed Areas Related to Stock passes (Project #3) and Passing Lane Improvements (Project #5A) for County Road 5 in Rio Blanco County, Colorado for HKDR Engineering. Grand River Institute, Grand Junction, Colorado. (12-11-27: OAH # RB.LM.R1227)

Conner, Carl E., Barbara Davenport and Dakota N. Smith

- 2010 Class III Cultural Resource Inventory Report for the Rio Blanco County Road 5 Project in Rio Blanco County, Colorado for EDAW-AECOM. Grand River Institute, Grand Junction, Colorado. (10-11-06: OAH # RB.LM.R1195)

Hauck, F. Richard

- 2001 Cultural Resource Evaluations of 13 Proposed Well Locations & Pipeline/Access Corridors in the Magnolia Ridge Locality of Rio Blanco County, Colorado. Archeological-Environmental Research Corporation, Bountiful, Utah. (01-38-10: OAHP # RB.LM.NR1218)

Tweto, Ogden

- 1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

The following applicable mitigation from DOI-BLM-CO-110-2011-0032-EA has been carried forward:

The holder shall follow the applicant committed mitigation in Exhibit A.

1. All activities shall comply with all applicable local, State, and Federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required Federal, State, and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.
2. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

Standard cultural and paleontological resources mitigation includes the following:

3. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
4. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
5. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred

objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

6. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
7. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Janet Doll and Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL:



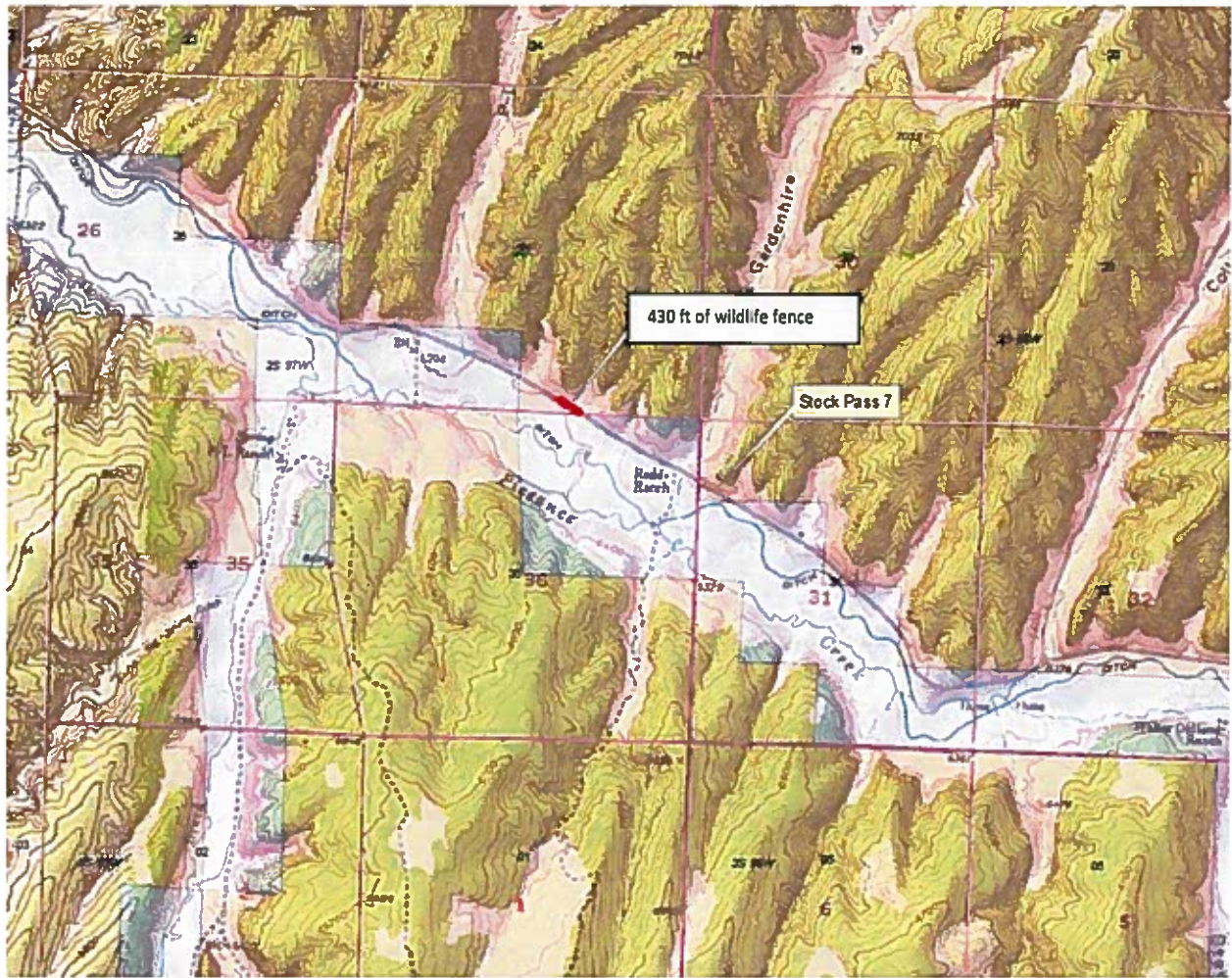
Field Manager

DATE SIGNED:

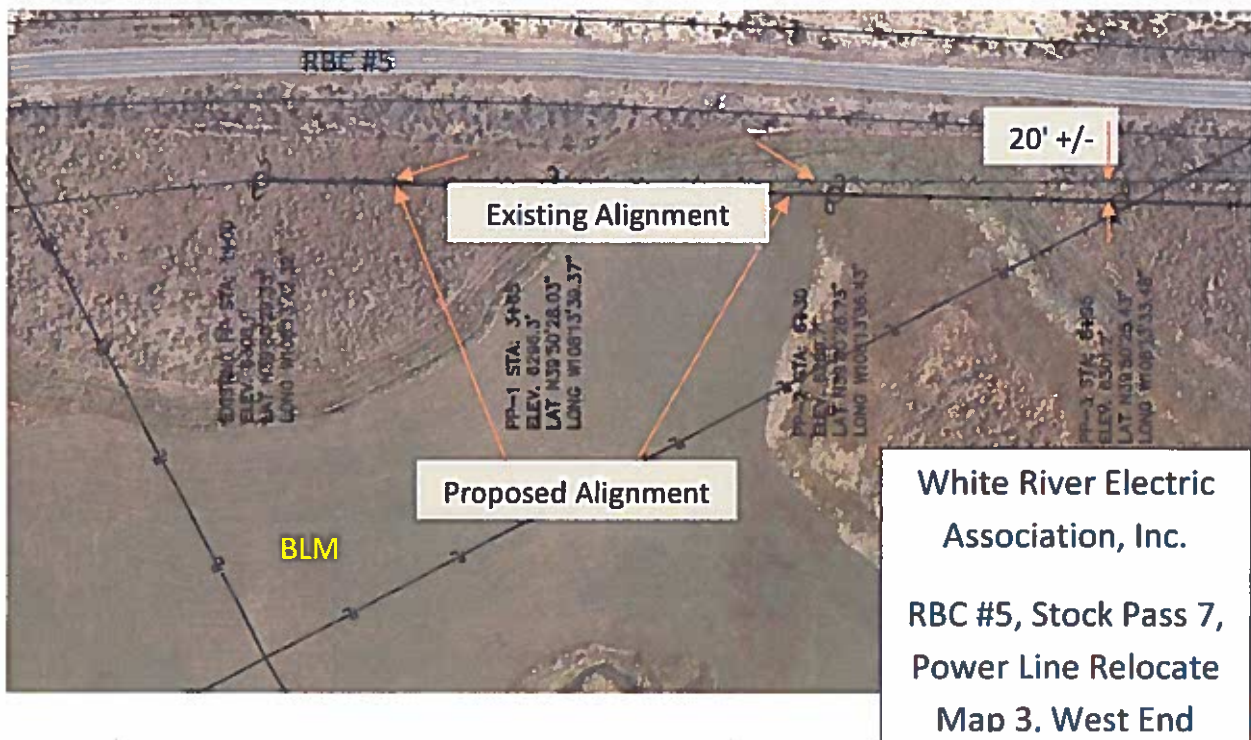
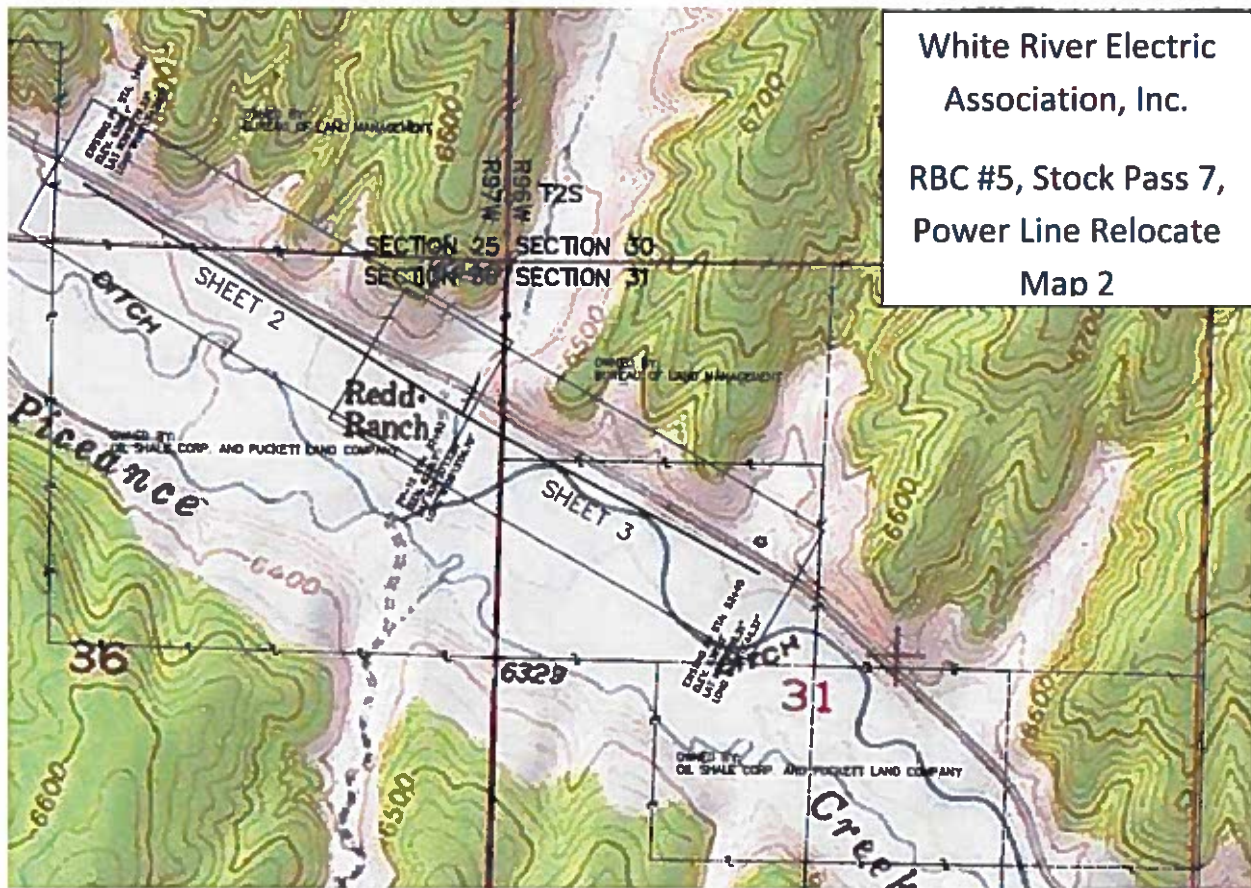
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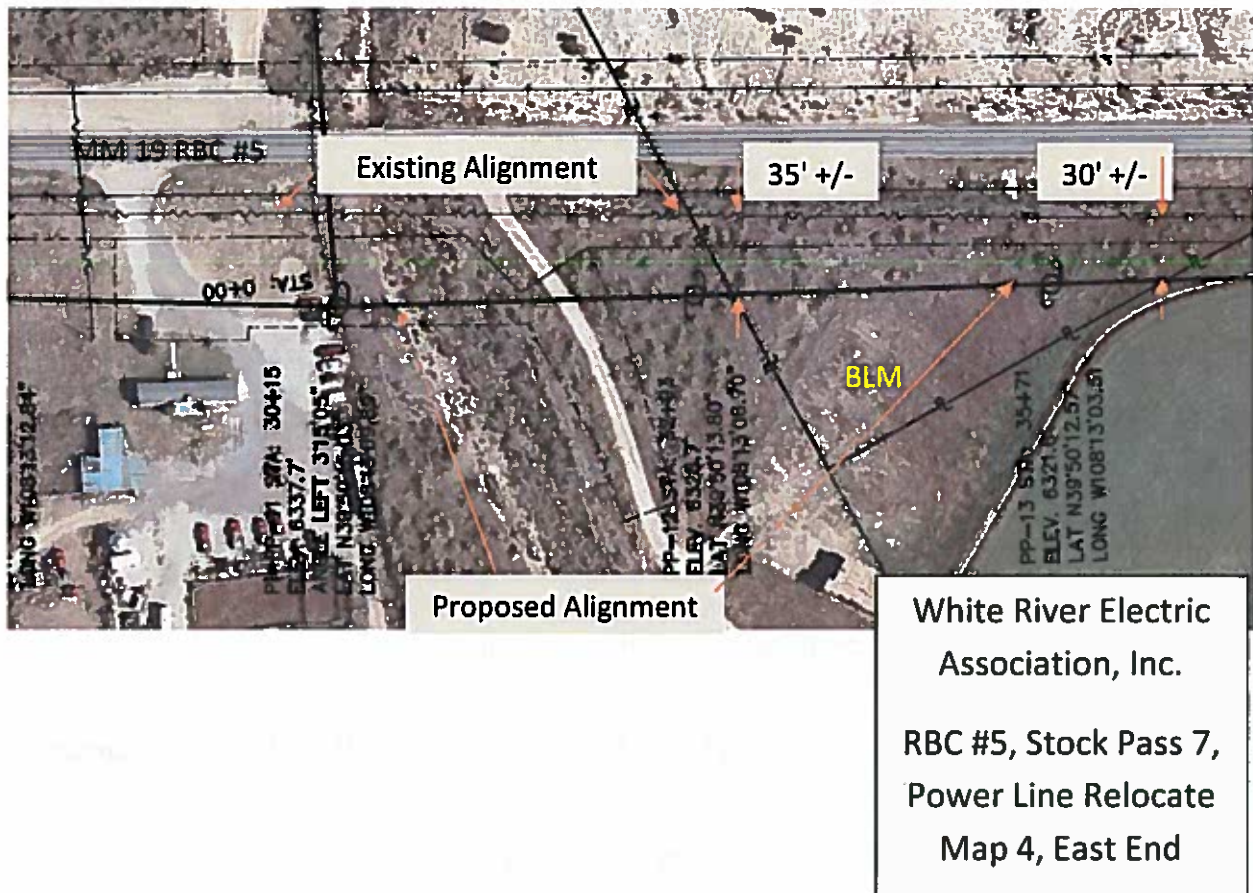
ATTACHMENTS: MAPS 1, 2, 3, 4

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



Map 1. Proposed Wildlife Fence





**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: Wildlife Fence at Stock Pass 7 and relocation of WREA electric power line

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-N05-2014-0072-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0072-DNA, authorizing the construction, maintenance, and termination of a wildlife fence and relocation of power lines to accommodate a wildlife crossing.

Mitigation Measures

The following applicable mitigation from DOI-BLM-CO-110-2011-0032-EA has been carried forward:

The holder shall follow the applicant committed mitigation in Exhibit A.

1. All activities shall comply with all applicable local, State, and Federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required Federal, State, and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.
2. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

Standard cultural and paleontological resources mitigation includes the following:

3. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
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guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

5. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
6. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
7. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on May 28, 2014 and a copy of the completed Determination of NEPA Adequacy will be posted on the WRFO website.

RATIONALE

The proposal for a wildlife fence and relocation of power lines, in concert with the applied mitigation, conforms to the land use plan. The NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. The wildlife fence will facilitate movement of wildlife through the wildlife crossing instead of across County Road 5.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

06/03/14